IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 4805 of 2005(V)

PETITIONER:

MOHAMMED HANEEF. M.C., AGED 25 YEARS,
S/O. ABDUL RAHIMAN HAJI, M.C. HOUSE,
NORTH CHITHARY, KANHANGAD, KASARAGODE DISTRICT.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, HOME DEPARTMENT, THIRUVANANTHAPURAM.

2. STATE OF ANDHRA PRADESH,
REPRESENTED BY SECRETARY, HOME DEPARTMENT
SECRETARIAT, HYDRABAD, ANDHRAPRADESH.

3. D.I.G. OF POLICE, TRIVANDRUM.

4. SUPERINTENDENT OF POLICE,
KAKKINADA, VISHAKA PATTANAM,
ANDHRAPRADESH.

5. INSPECTOR, KAKKINADA POLICE STATION
2-TOWN, VISHAKAPATTANAM.

6. CIRCLE INSPECTOR OF POLICE,
HOSDURG POLICE STATION, KASARAGODE DISTRICT.

7. C.I. OF POLICE, THALASSERY POLICE
STATION, KANNUR DISTRICT.

BY ADV.SMT.R.BINDU, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 4805/2005

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE CERTIFICATE OF REGISTRATION IN RESPECT OF PETITIONER'S CAR BEARING REGISTRATION NO. KL-14 C 8958.

P2 : COPY OF THE FIR SUBMITTED BY THE HOSDURG POLICE STATION IN CRIME NO. 314/03.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 4805 of 2005 V

Dated, this the 26th day of March, 2007

J U D G M E N T

Petitioner's case is that for want of proper steps taken by 7th respondent, petitioner's vehicle is detained by JFMC, Kakkinada in Andhra Pradesh. The learned Government Pleader on instructions submitted that the Judicial Magistrate released the vehicle to one Mr. T.V.R.Arunkumar and it seems that the 7th respondent tried to contact the said Arunkumar to verify the records of the vehicle, but the correspondence was returned un-served stating that there is no such addressee. Since this Court has no territorial jurisdiction or control over the lower judiciary in Andhrapradesh, it will not be possible for this Court to take any action in the matter. If wrong order is issued by the Magistrate Court, it is for the petitioner to take out the case before the Andhrapradesh High Court or before other courts in Andhrapradesh. Since the vehicle is released by the Court, it may not be possible for the Kakkinada police to seize the same also. In the circumstance, this WPC is closed leaving freedom to the petitioner to take proper steps in Andhrapradesh.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg